

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------|--|-------------------|---------------------|
| In re: | Muhonen et al. | Confirmation No.: | 2224 |
| Appl. No.: | 10/847,073 | Group Art Unit: | 2146 |
| Filed: | 05/17/2004 | Examiner: | Sulaiman Nooristany |
| For: | SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR GROUPING CLIENTS AND TRANSFERRING CONTENT IN ACCORDANCE WITH THE SAME | | |

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(c)**

Attached is a list of documents on form PTO-1449, along with any cited foreign patent documents and non-patent literature documents in accordance with 37 CFR 1.98(a)(2). Also enclosed is a translation or a concise explanation of each non-English language document.

It is requested that the Examiner consider these documents and officially make them of record in accordance with the provisions of 37 C.F.R. § 1.97 and Section 609 of the MPEP. By identifying the listed documents, Applicant in no way makes any admission as to the prior art status of the listed documents, but is instead identifying the listed documents for the sake of full disclosure.

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. § 1.97(c), before final Office Action or Allowance, whichever is earlier.

In accordance with the requirements of 37 C.F.R. § 1.97(c), the following statement as specified in 37 C.F.R. § 1.97(e) is made:

Each item of information contained in this statement was first cited in any communication from a foreign patent office, a copy of which is enclosed, in a counterpart foreign application not more than three (3) months prior to the filing of this statement.

Respectfully submitted,



Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
LEGAL02/30664986v1

Substitute for form 1449/PTO
(Revised 04/2003)

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number 10/847,073
Filing Date 05/17/2004
First Named Inventor Muhonen et al.
Group Art Unit 2146
Examiner Name Sulaiman Nooristany
Attorney Docket Number 042933/276015

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. | Document Number Number - Kind Code (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages of Relevant Figures Appear |
|--------------------|----------|--|--------------------------------|--|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Cite No. | Foreign Patent Document Country Code - Number Kind Code (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | English Language Translation Attached |
|-------------------|----------|--|--------------------------------|--|---|--|
| | <u>8</u> | <u>JP2002-0037124</u> | <u>05/18/2002</u> | <u>HIDiSeu Co., Ltd.</u> | | <u>Yes</u> |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

OTHER DOCUMENTS

| Examiner Initials | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | English Language Translation Attached |
|-------------------|----------|---|--|
| | | | |
| | | | |
| | | | |
| | | | |

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609.
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[translation]

Korean Intellectual Property Office

NON-FINAL REJECTION

Applicant

Name: Nokia Corporation (Applicant Code: 520000368439)
Address: Keilalahdentie 4, FIN-02150 Espoo, Finland

Attorney

Name: Y.P. Lee, Mock, & Partners
Address: 1575-1 Seocho-dong, Seocho-gu
Seoul, Republic of Korea 137-073
Designated Attorney: Youngpil LEE, et al.

Inventor:

MUHONEN, Ahti et al.

Application No.:

10-2006-7026557

Title:

SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT
FOR GROUPING CLIENTS AND TRANSFERRING CONTENT
IN ACCORDANCE WITH THE SAME

Applicant is hereby notified pursuant to Article 63 of the Korean Patent Law that this application is rejected on the following grounds. Any comments/arguments along with any amendments that the applicant may wish to submit in response to this rejection must be filed by **22 January, 2008**. An unlimited number of one-month extensions of the term for filing a response are available and a request for an extension may be filed with an appropriate fee by each respective due date. However, the Korean Intellectual Property Office (KIPO) does not issue a response to the filing of a request for an extension.

[EXAMINATION RESULTS]

- Examined Claims: Claims 1-60
- Law Articles Relating to Rejected Claims

| No. | Rejected Parts | Related Law Articles |
|-----|---|-------------------------|
| 1 | Claims 1-4, 9, 10, 13-16, 21, 22, 25-28, 33, 34, 37-40, 46, 49-52, 57, and 58 | Article 29, Paragraph 2 |

- Allowable Claims: Claims 5-8, 11, 12, 17-20, 23, 24, 29-32, 35, 36, 41-45, 47,
48, 53-56, 59, and 60

※ The allowable claims stated above are examination results of the present Office Action and may be changed later. All grounds of rejection of the present application must be resolved in order to put the present application in condition for allowance.

[GROUNDS OF REJECTION]

The present application is not in condition for allowance because claims 1-4, 9, 10, 13-16, 21, 22, 25-28, 33, 34, 37-40, 46, 49-52, 57, and 58 are rejected under Article 29, Paragraph 2 of the Korean Patent Law as being obvious to one of ordinary skill in the art in view of the prior art of record before the filing of the present application on the grounds as particularly stated below.

The claimed invention is directed to a system, method, and a computer program product for transferring content in accordance with a client grouping to balance the load on the transferring network.

KR 2002-37124 (published on May 18, 2002: hereinafter referred to as "cited reference") discloses an apparatus and method for transmitting audio and video data over a network.

1. The invention recited in claim 1 is directed to a system comprising a plurality of clients and a server, wherein the server assigns the clients to a group based upon a probability of transferring content. However, the invention is similar to the cited reference relating to the apparatus for transmitting audio and video data over the network that groups users according to the network state of a group.

The feature of claim 1 that the server assigns the clients to the group based on a size of the content or the probability of transferring the content without experiencing an interruption in the transfer can be easily modified from the cited reference that a transmission group is divided and groups are re-organized. Hence, since the feature of claim 1 is not deemed to have a technical difficulty or a superior effect compared to the cited reference, the invention recited in claim 1 would have been obvious to one of ordinary skill in the art in view of the cited reference.

2. Claim 2 defines that the server collects statistical data and determines the probability of transferring the content. However, the feature of claim 2 can be predicted or easily modified from the cited reference describing that the users finally gets values illustrating network states, network states are checked, and the like.

3. Claim 3 defines that the server assigns the group associated with a transfer window. However, the feature of claim 3 can be predicted or easily modified from the cited reference describing that a size of an added frame data to the transmission buffer is calculated.

4. Claim 4 defines that the server assigns the clients to the group based upon a size of the group. However, the invention recited in claim 4 would have been obvious to one of ordinary skill in the art from the cited reference in that the user transmission controllers

are grouped.

5. Claim 9 defines that the server determines a length of the transfer window based upon the probability of transferring the content, but such feature would have been obvious as in grounds of rejection 1 and 2 above. And, it would have been obvious to one of ordinary skill in the art to modify the length of the window from the cited reference as such would be a nominal design change.

6. Claim 10 defines that the clients transfer content based upon the group. However, the feature of claim 10 would have been obvious to one of ordinary skill in the art from the cited reference in that grouped data is transmitted.

7. Claims 13-16, 21, and 22 are directed to a server agent. Although the server agent is limited to the server recited in claims 1-4, 9, and 10, the above claims have the materially the same technical idea as claims 1-4, 9, and 10. Therefore, since the server agent is deemed to have been obvious to one of ordinary skill in the art, the invention recited in the above claims would have been obvious to one of ordinary skill in the art as in grounds of rejection 1-6 above.

8. Claims 25-28, 33, and 34 are directed to a client. However, the client corresponds to the server agent, is essentially an obvious element, and the above claims have the materially the same technical idea as claims 13-16, 21, and 22. Hence, the invention recited in the above claims would have been obvious to one of ordinary skill in the art as in grounds of rejection 7 above.

9. Claims 37-40 and 46 are directed to a method. However, since the operation of the method are obvious to the system of the claimed invention, the invention recited in the above claims would have been obvious to one of ordinary skill in the art as in grounds of rejection 1-8 above.

10. Claims 49-52, 57, and 58 are directed to a computer program product. However, since the computer program product is obvious to the system and method of the claimed invention, the invention recited in the above claims would have been obvious to one of ordinary skill in the art as in grounds of rejection 1-9 above.

[Enclosures]

1. A copy of KR 2002-37124 (published on May 18, 2002)

November 22, 2007

KOREAN INTELLECTUAL PROPERTY OFFICE

Information and Communications Examination Bureau
Network Examination Team
Examiners: Chanhoo YANG